

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO ELECTIONS; CONFORMING CERTAIN ELECTION PROCEDURES WITH FEDERAL LAW; CHANGING THE DEADLINE FOR ACCEPTANCE OF MAILED VOTER REGISTRATION FORMS; PROVIDING PROCEDURES FOR UPDATING AND PURGING VOTER FILES; PROVIDING FOR EXPEDITED SPECIAL CONGRESSIONAL ELECTIONS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-4-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF REGISTRATION--CLOSE OF REGISTRATION--FEDERAL QUALIFIED ELECTORS AND OVERSEAS VOTERS--LATE REGISTRATION.--

A. For qualified electors other than federal qualified electors or overseas voters, the following provisions shall apply:

(1) the county clerk shall receive certificates of registration at all times during normal working hours, except that the clerk shall close registration at 5:00 p.m. on the twenty-eighth day immediately preceding any election at which the registration books are to be furnished to the precinct board;

(2) registration shall be reopened on the Monday following the election;

(3) for purposes of a municipal or school

1 election, the registration period for those precincts within
2 the municipality or school district is closed at 5:00 p.m. on
3 the twenty-eighth day immediately preceding the municipal or
4 school election and is opened again on the Monday following
5 the election;

6 (4) during the period when registration is
7 closed, the county clerk shall receive certificates of
8 registration and other documents pertaining thereto but shall
9 not file the certificate of registration in the registration
10 book until the Monday following the election, at which time a
11 voter information document shall be mailed to the registrant
12 at the address shown on the certificate of registration;

13 (5) when the twenty-eighth day prior to any
14 election referred to in this section is a Saturday, Sunday or
15 legal holiday, registration shall be closed at 5:00 p.m. of
16 the next succeeding regular business day for the office of
17 the county clerk; and

18 (6) the county clerk shall accept for filing
19 any certificate of registration that is subscribed and dated
20 on or before the twenty-eighth day preceding the election
21 and:

22 (a) received by the county clerk before
23 5:00 p.m. on the Friday immediately following the close of
24 registration;

25 (b) mailed and postmarked not less than SB 80
Page 2

1 twenty-eight days prior to any election referred to in this
2 section; or

3 (c) accepted at a state agency
4 designated pursuant to Section 1-4-5.2 NMSA 1978.

5 B. For federal qualified electors and overseas
6 voters, the county clerk shall accept a certificate of
7 registration by electronic transmission from a voter
8 qualified to apply for and vote by absentee ballot in the
9 county if the transmission is received before 5:00 p.m. on
10 the Friday immediately preceding the election."

11 Section 2. Section 1-4-28 NMSA 1978 (being Laws 1975,
12 Chapter 255, Section 46, as amended) is amended to read:

13 "1-4-28. CANCELLATION OF REGISTRATION--CHANGE OF
14 RESIDENCE--NOTICE.--

15 A. The secretary of state, county clerks and
16 boards of registration, in compliance with the federal
17 National Voter Registration Act of 1993, shall remove from
18 the official list of eligible voters the names of voters who
19 are ineligible to vote due to change of residence.

20 B. The secretary of state shall issue rules for
21 the cancellation of voter registrations in strict compliance
22 with the federal National Voter Registration Act of 1993."

23 Section 3. Section 1-12-69 NMSA 1978 (being Laws 1977,
24 Chapter 222, Section 72, as amended) is amended to read:

25 "1-12-69. DISPOSITION OF PAPER BALLOTS.--

1 A. Paper ballots marked by voters and all records
2 related to voting in any election in which a federal
3 candidate appears on the ballot shall be retained and
4 preserved for a period of twenty-two months from the date of
5 the election.

6 B. Paper ballots marked by voters and all records
7 related to voting in any election in which no federal
8 candidate appears on the ballot shall be retained and
9 preserved for forty-five days after adjournment of the state
10 or county canvassing board, whichever is later.

11 C. In precincts where a recount or judicial
12 inquiry or inspection of contents is sought, the county clerk
13 shall hold ballots marked by voters and records related to
14 voting in those precincts intact subject to order of the
15 district court or other authority having jurisdiction of the
16 contest or inspection.

17 D. Paper ballots marked by voters and records
18 related to voting in any election shall only be destroyed
19 pursuant to rules promulgated by the state records center for
20 destruction of public records.

21 E. The state records center is authorized to
22 receive for storage and destruction paper ballots marked by
23 voters and records related to voting in any election in which
24 a federal candidate appears on the ballot. At least three
25 days prior to sending the ballots and records to the state

1 records center, the county clerk shall notify the county
2 chair of each political party that participated in the
3 election. The chairs or their designees may inspect the
4 boxes prior to their sealing for delivery.

5 F. At least three days prior to the destruction by
6 the county clerk of paper ballots marked by voters and
7 records related to voting, the county clerk shall notify the
8 county chair of each political party participating in the
9 election of the time, place and date thereof. The chair of
10 each political party may be present or may have the chair's
11 accredited representative present."

12 Section 4. Section 1-15-18.1 NMSA 1978 (being Laws
13 1983, Chapter 232, Section 16) is amended to read:

14 "1-15-18.1. UNITED STATES REPRESENTATIVE--VACANCY.--

15 A. Ten days after a vacancy occurs in the office
16 of United States representative, the governor shall, by
17 proclamation, call a special election to be held not less
18 than eighty-four nor more than ninety-one days after the date
19 of the vacancy for the purpose of filling the vacancy, except
20 as provided in Subsections E and F of this section.

21 B. Upon the issuance of the governor's
22 proclamation, each qualified political party may nominate in
23 the manner provided by the rules of that party a candidate to
24 fill the vacancy in the office of United States
25 representative; provided that such nomination is certified to

1 the secretary of state by the state chair of that party no
2 later than 5:00 p.m. on the fifty-sixth day preceding the
3 date of the special election.

4 C. Declarations of independent candidacy to fill
5 the vacancy in the office of United States representative and
6 nominating petitions pertaining thereto shall be filed with
7 the secretary of state no later than 5:00 p.m. on the
8 fifty-sixth day preceding the date of the special election.

9 D. Special elections called for the purpose of
10 filling a vacancy in the office of United States
11 representative shall be conducted in accordance with the
12 provisions of the Election Code; provided, however, if there
13 is a conflict between this section and other provisions of
14 the Election Code, the provisions of this section shall
15 control.

16 E. If a vacancy occurs in the office of United
17 States representative after the date of the primary election
18 and before the date of the general election of that same
19 year, the vacancy shall be filled at that general election of
20 the same year. Candidates seeking the office of United
21 States representative in that general election for the next
22 succeeding term shall be deemed to be candidates for the
23 unexpired term as well, and the candidate elected shall take
24 office upon the certification of the election results.

25 F. If a vacancy occurs in the office of United

1 States representative when there are more than one hundred
2 vacancies in the United States house of representatives and
3 there are more than seventy-five days before a regularly
4 scheduled election or previously scheduled special election,
5 then:

6 (1) the governor shall, by proclamation,
7 call a special election to be held not more than forty-nine
8 days after the vacancy is announced;

9 (2) each qualified political party may
10 nominate in the manner provided by the rules of that party a
11 candidate to fill the vacancy in the office of United States
12 representative; provided that such nomination is certified to
13 the secretary of state by the state chair of that party no
14 later than 5:00 p.m. on the tenth business day following
15 announcement of the vacancy; and

16 (3) declarations of independent candidacy to
17 fill the vacancy in the office of United States
18 representative and nominating petitions pertaining thereto
19 shall be filed with the secretary of state no later than 5:00
20 p.m. on the twentieth day following announcement of the
21 vacancy."

22 Section 5. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect
24 immediately. _____
25